

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****July 11, 2006****3:30 P.M. SCHEDULED SESSION****4:45 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell
Tom Marshall was absent

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Elder Michael Steven Moore from Temple of Deliverance Church of God in Christ. Councilwoman Holt presented Elder Moore with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

CONSENT AGENDA – Items #1, 5 - 9 & 35 & 36 may be acted upon by one motion. SEE PAGE 1934 FOR ROLL CALL

- 1. ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT RELATES TO TERM LIMITS AND AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 7, 2006, UP FOR F I R S T READING.**

Ordinance No. 5174

APPROVED, on First reading

- 2. ORDINANCE AMENDING CHAPTER 20, SECTION 20-32 OF THE CODE OF ORDINANCES, OF THE CITY OF MEMPHIS REGARDING MINOR CURFEW, UP FOR F I R S T READING.**

Ordinance No. 5176

DROPPED

- 3. ORDINANCE REZONING THE NORTHEAST SIDE OF LAMAR AVENUE (U.S. 78) AT DUNN AVENUE, CONTAINING 3.70 ACRES IN THE DUPLEX RESIDENTIAL (R D) AND HIGHWAY COMMERCIAL (C-H) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5175

Case No. Z 06-110

DROPPED

4. **ORDINANCE** rezoning the southwest corner of Wolf River and Interstate 240, containing 19.697 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for S E C O N D reading.

Ordinance No. 5173
Case No. Z 05-104

APPROVED, on Second reading

5. **RESOLUTION APPROVING FINAL PLAT OF KINGS GROVE SUBDIVISION, RE SUBDIVISION OF LOT 23.**

Case No. S 04-071

Resolution approves the final plat located on Kingsbrook Road, east of Fair Meadows Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

6. **RESOLUTION** accepting WOODLAND TRAILS PD, PHASE 2, AREA B & HAMILTON FARMS SUBDIVISION, SECTION A SEWER EXTENSION and authorizing release of bond. (Contract No. CR-4759)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, west of Pisgah Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the cashier's check in the amount of \$16,700.00.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT SUBDIVISION 18.**

Case No. S 05-078

Resolution approves the final plat located on Looney Avenue between Sixth and Seventh Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

8. **RESOLUTION** accepting GERLAND CREEK P.D., PHASE 8, PART OF PARCELS 3 & 4 and authorizing release of bond.

Case No. PD 92-349cc
(Contract No. CR-4946)

Resolution accepts completion of the improvement and the dedication of public streets and easements as shown on the final plat located on the north side of Shelby Drive at Ridge Walk Lane. The standard improvement contract was approved on June 7, 2005.

Resolution also authorizes the release of the letters of credit in the total amount of \$70,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

9. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-319 – White Station P.D., 2nd Amendment
- B. Case No. PD 06-322 – Allentown-South P.D.
- C. Case No. PD 06-323 – East Gwynne Place II, P.D.
- D. Case No. PD 06-324 – Arby's P.D.
- E. Case No. SAC 06-608 – HOSPITAL STREET
(Held from 6/20/06)
- F. Case No. S 06-011 – Gallagher's Hein Park Subdivision
- G. Case No. S 06-024 – Condra Subdivision

Public Hearing Set for July 25, 2006

35. **RESOLUTION APPROVING ENGINEERING PLANS OF GARDENS OF GRAYS HOLLOW SEWER EXTENSION.**

Contract No. CR-5018

Resolution approves the engineering plans located on the south side of Walnut Grove Road at Grays Creek. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement sewer extension contract.

City Engineer recommends approval

APPROVED

36. **RESOLUTION APPROVING FINAL PLAT OF VALLEYBROOK PLANNED DEVELOPMENT.**

Case No. PD 05-305

Resolution approves the final plat located on Highway 72, west of I-240. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete,
 Sammons and Chairman Mitchell
 Taylor did not cast a vote
 Marshall was absent

APPROVED

MLGW FISCAL CONSENT – Items 10 - 16 may be acted upon by one motion

10. **RESOLUTION AWARDED CONTRACT NO. 11106, SHORING FOR TRANSFORMER VAULT INSTALLATION, TO CHRIS-HILL CONSTRUCTION COMPANY, LLC., IN THE FUNDED AMOUNT OF \$64,460.00.**

APPROVED

11. **RESOLUTION AWARDED CONTRACT NO. 11113, REROOF MORTON PUMPING STATION'S PUMP AND FILTER BUILDINGS, TO B FOUR PLIED, IN THE FUNDED AMOUNT OF \$169,834.00.**

APPROVED

- 12. **RESOLUTION AWARDDING CONTRACT NO. 11116, EMERGENCY GENERATOR AT OLD MILLINGTON OFFICE AND NORTH SERVICE CENTER BUILDING #2, TO SHELBY ELECTRIC COMPANY, INC., IN THE FUNDED AMOUNT OF \$183,379.00.**

APPROVED

- 13. **RESOLUTION AWARDDING CONTRACT NO. 11132, RETROFIT OF HIGH VOLTAGE UNDERGROUND TRANSMISSION CABLE, TO W. A. CHESTER, LLC, IN AN ESTIMATED FUNDED AMOUNT OF \$2,926,100.00.**

APPROVED

- 14. **RESOLUTION AWARDDING CONTRACT FOR 1590 KCMIL WIRE TO STUART C. IRBY CO. IN THE AMOUNT OF \$274,125.00.**

APPROVED

- 15. **RESOLUTION AWARDDING CONTRACT FOR TRANSFORMER TEST SET TO PHENIX TECHNOLOGIES, INC. IN THE AMOUNT OF \$217,700.00.**

APPROVED

- 16. **RESOLUTION AWARDDING CONTRACT FOR LAMPS AS FOLLOWS:**

Globe Electric Co., Inc.....	\$ 19,085.72
American Lighting and Supply Co., Inc.....	<u>1,036,211.98</u>
Total.....	\$1,055,297.70

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Holt
 SECOND: McCormick
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
 Taylor did not cast a vote
 Marshall was absent

APPROVED

- 17. **APPOINTMENTS**

Civilian Law Enforcement Review Board

Reappointment

David E. Goodman Jr., Esquire

MATA Board

Reappointment

Ms. Cliffie L. Pugh

Memphis & Shelby County Air Pollution Board

Appointment

Karl Pensak

Director of the Division of General ServicesAppointment

Estrice Boone

Director of the Division of Park ServicesAppointment

Cynthia Buchanan

MOTION: Peete

SECOND: Ford

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete and Chairman Mitchell
 Sammons and Taylor did not cast a vote
 Marshall was absent

APPROVED

18. **RESOLUTION REQUESTS CITY COUNCIL APPROVAL FOR AN AGREEMENT TO BE NEGOTIATED BETWEEN THE CITY OF MEMPHIS, TENNESSEE, THROUGH ITS DIVISION OF PARK SERVICES AND THE FRIENDS OF THE LEVITT PAVILION MEMPHIS, INC., A TENNESSEE 501 (C) (3) NON-PROFIT CORPORATION, FOR THE MANAGEMENT AND RENOVATION OF THE RAOUL WALLENBURG SHELL IN OVERTON PARK. THE INITIAL TERM OF THE AGREEMENT IS TO BE TWENTY FIVE (25) YEARS. THE EFFECTIVE DATE OF THE AGREEMENT IS TO BE JULY 1, 2006. THE COST TO RENOVATE IS ESTIMATED AT \$1,000,000.00. THE CITY OF MEMPHIS IS TO ALLOCATE \$500,000.00 FROM G.O. BONDS AS PART OF THE CIP BUDGET. FRIENDS WILL FUND ALL RENOVATION COST EXCEEDING \$500,000.00. FRIENDS WILL FUND OPERATING, ADMINISTRATION AND PROGRAMMING COSTS THROUGHOUT THE LIFE OF THE AGREEMENT.**

MOTION: McCormick

SECOND: Jones

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
 Taylor did not cast a vote
 Marshall was absent

APPROVED

19. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$302,786.00 FUNDED BY G.O. BONDS GENERAL FROM ARCHITECTURE AND ENGINEERING IN ADA CURB RAMPS, PROJECT NUMBER PW04007 TO CONSTRUCTION IN ADA RAMPS 25, PROJECT NUMBER PW04050 AND TRANSFERRING \$98,102.00 FROM CONSTRUCTION IN ADA CURB RAMPS, PROJECT NUMBER PW04007 TO CONSTRUCTION IN ADA RAMPS 25, PROJECT NUMBER PW04050. RESOLUTION ALSO APPROPRIATES \$400,888.00 FUNDED BY G.O. BONDS GENERAL FOR ADA RAMPS 25, PROJECT NUMBER PW04050 FOR A CONTRACT WITH GCM, INC., FOR THE INSTALLATION OF ADA RAMPS IN VARIOUS LOCATIONS IN THE CITY.**

Director of Public Works and City Engineer recommends approval

MOTION: Jones

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

Taylor did not cast a vote
Marshall was absent

APPROVED

- 20. **RESOLUTION AMENDING THE FISCAL YEAR 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION OF \$280,500.00 FUNDED BY G.O. BONDS GENERAL FROM DRAINAGE, CIP PROJECT NUMBER ST03006 TO NONCONNAH/MT. MORIAH CULVERT, PROJECT NUMBER ST03081. RESOLUTION ALSO APPROPRIATES \$280,500.00 FUNDED BY G.O. BONDS GENERAL IN NONCONNAH/MT. MORIAH CULVERT, PROJECT NUMBER ST03081 FOR A NEGOTIATED CONTRACT WITH THE UNITED STATES CORPS OF ENGINEERS FOR THE CONSTRUCTION OF MT. MORIAH CULVERT.**

Director of Public Works recommends approval

MOTION: Jones
 SECOND: Holt
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
 Taylor did not cast a vote
 Marshall was absent

APPROVED

- 21. **ORDINANCE REZONING THE SOUTH SIDE OF MACON ROAD; +475 FEET WEST OF HOUSTON LEVEE ROAD, CONTAINING 1.34 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5172
Case No. Z 06-109cc

Applicant: Edward Grinder
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Ford
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
 Taylor did not cast a vote
 Marshall was absent

APPROVED

- 22. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THIS SOUTHWEST CORNER OF HARVARD AVENUE AND MERTON STREET, CONTAINING 0.309 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. UV 06-05

Applicant: The Caritas Community, Inc.
Onie Johns – Representative

Request: Neighborhood Community Center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Holt
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete,

Sammons and Chairman Mitchell
Taylor did not cast a vote
Marshall was absent

APPROVED

23. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTHSIDE OF SHELBY DRIVE, 152 FEET EAST OF RIDGE WALK LANE.**

Case No. PD 01-334cc

Appellant: Eagles Landing Apartments LP

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 05/11/06 which rejected the appellant's request to construct side building elevations for the Eagles Landing Apartments with a brick exterior 3 feet from the ground where the Land Use Control Board previously required 8 feet from the ground

LUCB and OPD recommendation: REJECTION

MOTION: Peete

SECOND: Holt

AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

NAY: Chumney
Taylor did not cast a vote
Marshall was absent

APPROVED

24. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF HIGHWAY 51 NORTH AND WORTHAM ROAD, CONTAINING 6.46 ACRES AND CURRENTLY GOVERNED BY THE CONDITIONS OF PAGE-PORTER PLANNED DEVELOPMENT, P.D. 89-362CC, (PLAT BOOK 143, PG. 64).**

Case No. PD 05-374cc

Applicant: Thomas J. Page, Jr.
David W. Milem Consulting Engineers - Representative

Request: A planned development to amend the outline plan to delete ± 0.73 acres from the residential area and add it to the commercial area

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

Taylor did not cast a vote
Marshall was absent

APPROVED

25. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 64 AND REID HOOKER ROAD, CONTAINING 176.27 ACRES IN THE HIGHWAY COMMERCIAL (C-H), GENERAL OFFICE (O-G), AGRICULTURAL (AG), AND AGRICULTURAL FLOOD PLAIN (AG[FP]) DISTRICTS.**

Case No. PD 05-385

Chairman Mitchell recognized the following people from the audience:

David Sanders, 921 Dent Rd., 38028

Michael Russell, 2860 Schaeffer Drive, 38028

Applicant: Rockgate Center, LLC
The Bray-Davis Firm, LLC – Representative

Request: A mixed use planned development consisting of commercial/office, institutional, single family residential and multi-family residential

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

NAY: Chumney
Taylor did not cast a vote
Marshall was absent

APPROVED

29. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF HOUSTON LEVEE ROAD, +329 FT. NORTH OF MACON ROAD, AND NORTH SIDE OF MACON ROAD, +297 FT. WEST OF HOUSTON LEVEE RD., CONTAINING 34.54 ACRES IN THE LIMITED PLANNED COMMERCIAL (C-P) AND GENERAL OFFICE (O-G) USES AS PERMITTED IN AREA F OF THE OUTLINE PLAN FOR LEE LINE FARMS PLANNED DEVELOPMENT, AS AMENDED (P.D. 99 346CC).**

Case No. PD 06-314cc

Applicant: George Lee
Ronald Harkavy – Representative

Request: **A) Permit limited commercial uses throughout Area F; B) relax use limitations to permit restaurants with drive-through windows in certain locations; C) permit four out-parcels with separate ownership and separate entrances; D) increase the number of permitted curb cuts along Macon Road from two (2) to three (3).**

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Ford

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

Taylor did not cast a vote
Marshall was absent

APPROVED, as amended

37. **RESOLUTION APPROVING AN EMERGENCY YOUTH SUMMER JOBS PROGRAM.**

(Councilman Brittenum made a motion for the Summer Youth Jobs money to be voted on separately from the Memphis City Schools Summer Triple A money. Special Item #1 was set up for this purpose).

(Special Item #1 – Summer Youth Jobs - \$217,000.00)

MOTION: Brittenum

SECOND: Peete

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell

Taylor did not cast a vote
Marshall was absent

APPROVED

(A vote was then taken on Memphis City Schools Summer Triple A portion).

(Memphis City Schools Summer Triple A - \$117,000.00)

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons
and Chairman Mitchell
Brittenuum recused
Taylor did not cast a vote
Marshall was absent

APPROVED

Ms. Ballard from the Neighborhood Christian Center and Ms. Beard from Urban Youth Initiative were allowed to speak on the Summer Jobs.

(Item #28's votes were taken by Manual Roll Call, due the Voting System going down)

- 28. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF WINCHESTER ROAD AND FOREST HILL-IRENE ROAD, CONTAINING 67.20 ACRES AND IS CURRENTLY GOVERNED BY FOREST HILL HEIGHTS PLANNED DEVELOPMENT, AMENDED (P.D. 96-347CC).**

Case No. PD 06-312cc

Applicants: Landmark Properties & Performa Real Estate, Inc.
The Perkins Law Firm & The Reaves Firm – Representatives

Request: Planned development to allow Planned Development (C-P) District land uses, including a hotel within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Holt
SECOND: Brown
AYES: Brittenuum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick,
Sammons and Chairman Mitchell
Peete recused
Taylor did not cast a vote
Marshall was absent

APPROVED, as amended in Committee

(A voice vote was taken on Item#38, due the Voting System going down)

- 38. **RESOLUTION APPROVING A HOTEL WAIVER FOR GEN X INN LOCATED AT 1177 MADISON AVENUE.**

MOTION: Holt
SECOND: Brown

APPROVED, unanimous voice vote

(A voice vote was taken on the Minutes, due the Voting System going down)

MINUTES

Approval of the Minutes of the regular meeting of June 20, 2006 with the following motion:

(Councilman Brittenum made an amendment to Item#41 from June 20, 2006 Meeting, by adding “high or atrocious offense” to the last paragraph of the resolution).

MOTION: Holt
SECOND: Ford

APPROVED, as amended, by unanimous voice vote

26. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF HIGHLAND STREET AND MYNDERS AVENUE, CONTAINING 0.89 ACRE IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. PD 06-308

Applicant: Trammell Crow Company
Homer Branan – Representative

Request: A planned development to create a multi-family residential six (6) story mid-rise with 85 dwelling units with limited retail on the ground floor

LUCB and OPD recommendation: APPROVAL, with conditions

Chairman Mitchell recognized the following person from the audience:
Melissa Pearce, 3855 Kearney Avenue, Memphis, TN. 38111

(Councilwoman Chumney made a motion for this item to be delayed, but the motion failed, due to the lack of a 2nd).

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Ford, Holt, Jones, McCormick, Peete, Sammons and
Chairman Mitchell
Brittenum recused
Lowery and Taylor did not cast a vote
Marshall was absent

APPROVED

27. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF ISLAND DRIVE AND AUCTION AVENUE, CONTAINING 2.65 ACRES IN THE HIGHWAY COMMERCIAL (C-H) AND MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICTS.**

Case No. PD 06-311

Applicant: Island Properties Associates
Ronald Harkavy – Representative

Request: A Maximum of 45 Condominium Units in 3 – Four Story Buildings

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Marshall was absent

APPROVED, as amended in Committee

30. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF EAST MCLEMORE AVENUE; BETWEEN NEPTUNE STREET AND COLLEGE STREET, CONTAINING 4 ACRES IN THE COLLEGE UNIVERSITY (C-U) AND MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICTS. (HELD FROM 6/20)**

Case No. PD 06-315

Applicant: New Town Center @ Soulsville, LLC
Self-Tucker Architects (James Murray) – Representative

Request: A Mixed Use Planned Development (consisting of Commercial, Office, and Residential Uses)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
Taylor did not cast a vote
Marshall was absent

APPROVED, as amended

31. **RESOLUTION APPROVING A TIME EXTENSION LOCATED ON BINGHAM STREET, PRINCETON AVENUE, AUTUMN AVENUE ALLEY (BETWEEN COLLINS AND MERTON STREETS) AND PRINCETON AVENUE ALLEY (BETWEEN COLLINS AND BINGHAM STREETS) AND A - / + 56.8 FOOT SEGMENT WEST OF BINGHAM STREET.**

Case No. SAC 03-612

Applicant: Memphis Board of Education
Homer Branan, III – Representative

Request: Extend period of compliance with closure conditions to December 31, 2006 for streets previously approved for closure on September 2, 2003

OPD recommendation: APPROVAL

MOTION: Peete

SECOND: McCormick

AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
Brittenum recused
Taylor did not cast a vote
Marshall was absent

APPROVED

(Councilman Lowery made a motion to add a First Reading Staggered Term Amendment Ordinance. This motion was seconded by Councilman Brittenum. After a discussion of the Staggered Term, Councilman Brittenum withdrew his second and since no one else seconded the motion, Councilman Lowery's motion failed, due to the lack of a second.

32. **RESOLUTION APPROVING A TIME EXTENSION LOCATED BETWEEN THE WEST LINE OF MANASSAS STREET AND THE EAST LINE OF TULLY STREET, CONTAINING 1.459 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICT.**

Case No. SAC 04-612

Applicant: Memphis Board of Education
Homer Branan, III – Representative

Request: Extend period of compliance with closure conditions by an additional two (2) years to June 20, 2008 for street previously approved for closure on June 20, 2004

OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Taylor

AYES: Brown, Chumney, Ford, Holt, Jones, McCormick, Peete and Chairman Mitchell
Brittenuum recused
Lowery, Sammons and Taylor did not cast a vote
Marshall was absent

APPROVED

33. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON KANSAS STREET; BETWEEN RAILROAD AVENUE AND CAROLINA AVENUE, CONTAINING 5,632 SQUARE FEET AND 64' X 345' - WIDTH X LENGTH OF R.O.W., IN THE CITY OF MEMPHIS RIGHT-OF-WAY ~ BLUFFVIEW RESIDENTIAL (R-B) DISTRICT.**

Case No. SAC 06-606

Applicant: Faxon-Gillis Homes, Inc.

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Ford

AYES: Brittenuum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons and Chairman Mitchell
Taylor did not cast a vote
Marshall was absent

APPROVED

34. **RESOLUTION APPROVING SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF MACON ROAD; +1,700 FEET WEST OF COLLIERVILLE-ARLINGTON ROAD, CONTAINING 28.86 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 06-206cc

Applicant: Tower Ventures V
Billy Orgel – Representative

Request: 180-foot tower for commercial mobile communication systems (cell tower)

LUCB and OPD recommendation: APPROVAL, with conditions

Chairman Mitchell recognized the following people from the audience:

David Sanders, 921 Dent Road, 38028
Charles Briggs, 343 S. Yates Road, Memphis, TN. 38120
John McCarroll, 11777 Macon Road, 38028
David Wade, 6410 Poplar Ave., Memphis, TN. 38119

(Councilwoman Chumney made a motion for this item to be delayed, but due to the lack of a 2nd, this motion failed).

MOTION: Peete

SECOND: Holt

AYES: Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Taylor and Chairman Mitchell
 NAYS: Chumney and Sammons
 Brittenum did not cast a vote
 Marshall was absent

APPROVED, as amended

(Councilman Peete made a motion for the Minutes on Item #37 & Item#38 be approved at tonight's meeting. Special Item#2 was set up to record votes on the Minutes for Item#37 & Item#38).

Special Item#2

MOTION: Peete
 SECOND: Holt

Approved, unanimous voice vote, due to the machine malfunctioning

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNED MEETING AT 7:50P.M.

.....
 Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records